

1133279-0017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Pazienza, et al.
Serial No. : 10/071,071
Filed : February 8, 2002
For : CRIMPABLE INTRALUMINAL ENDOPROSTHESIS
HAVING HELICAL ELEMENTS
Examiner : U. Chattopadhyay
Group Art Unit : 3738

RECEIVED
CENTRAL FAX CENTER
NOV 16 2004

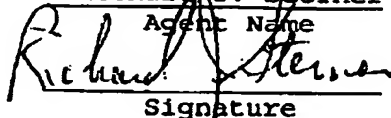
I hereby certify that this paper is being
facsimile transmitted to The U.S. Patent
and Trademark Office, Alexandria, VA
22313-1450, on November 16, 2004.

Richard J. Sferner

Agent Name

35,372

PTO Reg. No.


Signature

November 16, 2004

Date of Signature

Facsimile No.: 703-872-9306

No. of pages: 4

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF ERROR IN PAYMENT OF FEES AS A SMALL ENTITY
(37 CFR §1.28(C))

Sir:

When the instant application was filed on February 8, 2002,
an erroneous claim to small entity status was made inadvertently
and without deceptive intent. Again without deceptive intent,
this claim was never subsequently withdrawn. This Notification

12/01/2006 CKHLOK 00000005 231703 10071071

01 FC:1461 1591.00 DA

NEWYORK 4461794 (210)

1

1133279-0017

of Error is submitted in order to effect payment of deficiencies owed in accordance with the rules. The claim to status as a small entity is hereby withdrawn.

PAYMENT OF FEES AS SMALL ENTITY

- 1) The basic application filing fee of \$370 was paid on February 8, 2002. The current fee amount for a non-small entity is \$790, and the deficiency owed is thus \$420.
- 2) An excess total claims fee of \$153 was paid on February 8, 2002. The current fee amount for a non-small entity is \$306, and the deficiency owed is thus \$153.
- 3) An excess independent claims fee of \$126 was paid on February 8, 2002. The current fee amount for a non-small entity is \$264, and the deficiency owed is thus \$138.
- 4) A late declaration surcharge of \$65 was paid on April 8, 2002. The current fee amount for a non-small entity is \$130, and the deficiency owed is thus \$65.
- 5) A one-month extension fee of \$55 was paid on January 7, 2004. The current fee amount for a non-small entity is \$110, and the deficiency owed is thus \$55.

1133279-0017

6) A one-month extension fee of \$55 was paid on July 26, 2004. The current fee amount for a non-small entity is \$110, and the deficiency owed is thus \$55.

7) The issue fee of \$665 was paid on September 22, 2004. The current fee amount for a non-small entity is \$1,370, and the deficiency owed is thus \$705.

FEE PAYMENT FOR DEFICIENCY

As can be determined from the itemized information above, the total deficiency owed, i.e., the difference between the amount of fees paid by Applicants at the small-entity level and the currently set amount of those fees for a non-small entity, is \$1,591. Authorization is hereby given to charge this sum to Deposit Account No. 23-1703. To the knowledge of Applicants' agent, no other fees of small-entity level were paid by Applicants or charged by the PTO. However, should it be determined that any additional deficiencies exist, said deficiencies may likewise be charged.

1133279-0017

This submission is made in good faith and meets all of the requirements of 37 CFR §1.28(c)(2).

Date: November 16, 2004

Respectfully submitted,



Richard J. Sterner
Reg. No. 35,372

Applicants' Agent
Customer Number 007470
(212) 819-8200

Agent's Direct Line:
(212) 819-8783